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10 Attorneys for USACM Liquidating Trust

11
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

12 In re:

13 USA COMMERCIAL MORTGAGE
 14 COMPANY,

15 Debtor.

16 Case No. BK-S-06-10725-LBR

17 Chapter 11

18 **NOTICE OF HEARING ON
 19 AMENDED OBJECTION OF
 20 USACM LIQUIDATING TRUST TO
 21 PROOF OF CLAIM NO 10725-00755-
 22 2 IN THE AMOUNT OF \$100,000 BY
 23 DIANE H. HIGGINS; AND
 24 CERTIFICATE OF SERVICE**

25 Date of Hearing: November 15, 2011¹

26 Time of Hearing: 9:30 a.m.

27 Estimated Time for Hearing: 10 Minutes

28
**THE USACM LIQUIDATING TRUST IS OBJECTING TO A CLAIM THAT
 29 YOU FILED. THE USACM TRUST SEEKS TO DISALLOW IN FULL PROOF
 30 OF CLAIM NO. 10725-OO755-2.**

31
**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
 32 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS
 33 REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN
 34 HINDERAKER (520-629-4430).**

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NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and
 36 through its counsel, has filed its Amended Objection to Proof of Claim No. 10725-0755-2
 37 Filed by Diane M. Higgins, (with Certificate of Service) (the “Objection”). The first page

¹ This hearing was originally scheduled for October 15, 2011. However, to provide adequate notice, it is being rescheduled to November 15, 2011 at 9:30 a.m.



1 of your Proof of Claim as required by Nevada LR 3007, is attached to the Objection as
2 **Exhibit A ..** The USACM Liquidating Trust has requested that this Court enter an order,
3 pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy Code”) and
4 Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to
5 disallow your Proof of Claim in full.

6 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
7 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
8 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
9 **November 15, 2011, at the hour of 9:30 a.m.**

10 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
11 **NOVEMBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
12 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
13 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

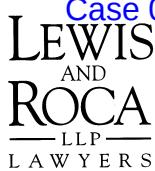
14 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
15 response to the objection must be filed and service must be completed no later than
16 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
17 facts and any relevant legal authority.

18 If you object to the relief requested, you *must* file a **WRITTEN** response to this
19 pleading with the Court. You *must* also serve your written response on the person who
20 sent you this notice.

21 If you do not file a written response with the Court, or if you do not serve your
22 written response on the person who sent you this notice, then:

23 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
24 • The Court may *rule against you* and sustain the objection without formally
25 calling the matter at the hearing.

26



1 DATED this 7th day of October, 2011.

2 LEWIS AND ROCA LLP

3
4 By /s/ John Hinderaker (#18024)
5 Robert M. Charles Jr. NV 6593
John C. Hinderaker, AZ 18024 (*pro hac vice*)
6 3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
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Facsimile: (702) 949-8398
E-mail: jhinderaker@lrlaw.com
7 Attorneys for the USACM Liquidating Trust
8

9 Copy of the foregoing mailed by
10 first class postage prepaid U.S. Mail on
October 7, 2011 to:

11 Diane H Higgins
12 571 Alden Lane
Incline Village, NV 9451-8333
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14 LEWIS AND ROCA LLP

15 /s/ Marie H. Mancino
Marie H. Mancino
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